2:Seligman & Seligman E-5 (1909-1910) 1932
FJ23 Shilluk FJ23

693 but others should crouch with head turned over the right shoulder,
694 and perhaps with one hand shading the face. Aker, widow of two kings and one of our best informants, used to delight to mimic the respectful manner in which she would serve the king, presenting food on her knees with head averted, and then move away kneeling to crouch with averted face while the king was eating, her garment being held to her side by her elbow; after the king had eaten she would pour water on his hands, still with averted face.

693 Disputes may be settled by the local or district chiefs, but an appeal
[693] to the king is always possible. District and village chiefs are assisted
[65] by the local elders in the administration of justice. The method of raising the tribute to the king has not been investigated, but examples in the following pages (confirmed by Westermann's account) will show that certain clans owed special duties to the king; indeed, anyone killing a leopard must send its skin to the royal household, while the goat antelope is specially hunted to obtain skins for the king. As the fountain of justice, the king kept for himself by far the greater part
693 of the fines for homicide and other grave offences. The fine for
681 man-killing was usually ten head of cattle, but sometimes more was levied; a girl might be taken in lieu of the cattle, when the king would allow the girl to marry but would keep the bride-wealth; or a girl and boy might be kept as hostages by the king until the cattle were paid. The king might give one or two head of cattle to the family of the deceased as compensation; this, however, did
• [628] not always settle the matter, and a blood feud might start and be continued until the balance of dead was even, often not only families but whole villages becoming involved.

635 Holmayr, quoting Father Banholzer, describes the investiture of
577 a high chief of one of the ten main provinces.[1] It is obvious that his functions are regarded as more than merely administrative, and that his correct ethical behaviour is almost the main concern of the old man—one of his future sub-chiefs—who, clasping his feet, recites the duties of his new office. He should let no stranger go hungry, he should use no abusive language, but be just and leave the houses and women of his underlings alone. The new high-chief takes oath to observe these duties, in token of which he licks the blade of a spear, presses it to his forehead, and then waves it over the ox he sacrifices. He remains in seclusion in his hut for four days;

[1] Op. cit., 111. These great district chiefs are known as *Long Thung*. This is not a traditional but rather a modern title, lit. "big chief". All chiefs are ago-

3:Westermann E-5 (1910) 1912 FJ23 Shilluk FJ23

539* 682 539* 643 682 643 696

the women start to carry the valuable things away and hide them; the cattle are driven into the Dinka-country. Now a company of warriors come, the "army of the king"; they rob the village, all the fowls are seized, and the dura is carried away by them. When the "army of the king" turns back, they bring the cattle back from the Dinka-country. Two cows are loosened by the chief, and are given to the king. But the king is angry, he says: "Go, and pay (greater) amends!" Then the people pay; one gives a cow, and another one also gives a cow, till there are ten; then the cows are brought to one place. Now an ambassador from the king comes, he comes to the chief, and asks: "How is the matter?" The chief answers: "The matter is settled." The cows are brought and shown to the ambassador for examination. And besides they give some sheep to the ambassador and to the other people of the king (who have come with him), to please them. The people of the king take them, saying: "The matter of the man is bad! (that is: the gifts are not sufficient)". Now another cow is killed (and given to the ambassadors of the king). After that the cows (the ten cows mentioned above) are brought, and the people of the king go to Fashoda (with the cows), together with the family of the murdered one. The family of the man who has been murdered, receive five cows. The king gives them five cows and an ox, as a mourning (a mourning-fund) for their dead relative.

19. Blood Revenge.

539* 539* 628

Jal wiiŋ, jal Mwɔmɔ, jal wɛlliɲɔ, ka wɛlɛ yi riŋ Yɔ. Ka tyɛi gɛn i ywiɲi. Ka ji ni kɛ yi ji̱ɲ kwɛ, ka yɛ ni mɛɛŋ, ka yɛ chɛi wɛt, ka ji ɔ lɛ̱gɔ ɲyɛr ɛbi-kyɛl, ka wɛɲɛ ɣɛŋ, ka yɛ dwɛ̱l; ka yɛ rwɔŋ dwɛ̱l, ka yɛ tyɛi; ka yɛ rwɔ tyɛi, ka bɛl kɛ̱l wɛ̱k, ka ɣɛŋ kɛ̱l, ka wɛ̱k, wɛn ɣɛɣ bɛl; ka bɛl tɛi wɛt kɛ kɛr, ka bɛl tɛi wɛt, ka ɣɛŋɛ kɛ̱l, ka wɛ̱k; ka ywɛɲɛ ywɛ̱k, ka ɲyɛr ɛbi kyɛl kɛ̱l wɛ̱k, ka yɛ wɛ̱k. (kɛ) ɣɛŋ ɔ wɛlɛ yi riŋ. K'à gwi ɔwɔn, ka Chɛl ɔ kwɛɲɛ kɛɲɔ.

A certain man, a man of Mwɔmɔ, a very good man, was killed by king Yɔ. His relations mourned for him. — At that time people (Shilluks) used to run away from the country of the whites (i. e. Arabs), those were caught by the relations of the dead one, they were all put into a house, and when they numbered sixty, then beer was brewed, and it was mixed with flour; when they had finished mixing it, they sifted it; when they had finished sifting it, a drum was brought out, and one man was brought, and was killed; he was the one for beating the drum. Early next morning the drum was put into the house; when they had put the drum into the house, again a man was brought out and killed; and he was mourned. Thus all the sixty men were brought out and killed, in the place of the one man who had been killed by the king. That was the reason why the Shilluks were much afraid.

And again there came white people, from the interior, they were Abyssinians. The Abyssinians came, and marched towards the river, the Sobat; the Shillukrs ran away to their villages.

And the people returned to their villages, because there was a rumour, "The Anuaks have been killed." Then the drum was beaten, the Shilluks danced to the drum, they rejoiced. The Turks came and remained in the country.

47. Tribal War.

Kal alyɣl a lɣuo bia yɣl, ka kal alyɣl a lɣuɔ, ka lat lɣl. Ka ɣlɣ a lɣl, ka ɣlɣ ni fɣɣl, ka ɣlɣ nɣlɣ ni chɣl lɣl. Lɣr (lɣɣl) fi yɣ gir, ka lat ryɣ, ka fi nɣl chɣ, ɣlɣ chlr. Lat ɣfɣl, tyɣl a nuɔ bia lɣ Ryɣ ɣlɣ, ka yɣ Ryɣ yuch. Ely ɣlɣ nu lɣɣ wu ni lɣɣ nɣl lɣ wur. Ji ni bia lɣ lɣl lɣ wur. Ji'ni lkuka nɣl lɣ yɣ lɣɣ.

One family comes and goes out into the bush, and another family comes, and they begin fighting. And a man is speared, and falls down; again another man is speared, (so they go on till on both sides the dead are) many. At last one army runs away: many people are killed, they are speared. Now the warriors scatter. The women come to carry the dead home. No one is left out in the bush during night-time.

(After a war) the people come to Ko in wait during the night.[1] — The people are accustomed to urinate in the house, in a gourd.[2]

48. The War of Nyoker.

Jal nɣlɣ chuɣlɔ Nɔlɔr, wuɣlɔ Dur, ɣlɔ, ɣlɔ, ka a lɣɣlɔ. ka tyɔo Tyɔɔry lɣ nɣɔɣ. Ka Tyɔɔry nɣɣɔ, ka yɣ nɣɣɔ. Ka ɣɣyo yi Yɔdit, ka a lɔtɣ lɣ lot, ka nɣɔo Dɔŋjɔl, ka lat chɣɣ yi Dɔŋjɔl; ka lat gɣɔlɣ nam, ka lat nyɔ; ka bia puch, ka a yɣuɣ.

Some man whose name was Nyoker, the son of Dur, was very, very brave. He went and turned towards Tonguro (in the Dinka country) to capture. He destroyed Tonguro and seized it (its people and cattle). And he was imitated by Yodit, he too raised an army and marched against Dingjol, but his army was chased by Dingjol, he drove the army into the river, so that they died. Yodit went home and repeated what he had done.

49. The War of Deng.

Jal nɣlɣ chuɣlɔ Dyk, ka ɣlɣ a lɣɣ lɣ Dɔŋɣ; fɔ Yɔdlit. Ka lɔ ɔɔ, ɔɔ Yɣt, ka lat a lɣtɣ, ka ji nyk go yɣlɣ. Ka Ojɔlɣ dɔɔ, ka a ɣlɣ, ka a ka: lɔ a ni lɣɔ ɔɔɣl, lɣ ɔɔɣl chɣ. Ka, a nɣlɣ, ka a bɔɔ lɣ yk, ka ji lɔ nyk, ka lɣuo

[1] This is blood revenge; if one tribe has more dead than the other, it tries to kill some people of the hostile village.
[2] for fear of being killed when going out.

52

LEGAL PROCEDURE

According to Hofmayr, Shilluk law "...is a law of tradition based on decisions of Nyikang and of previous kings."(1) He maintains that justice is very arbitrary and depends much on individual interpretation and custom. The settlement chief has a court to which are brought cases which the gol leaders and the hamlet headmen feel unable to settle or which are too serious for them to judge. The accuser and accused appear before the settlement chief and the headman is often called as witness, while the elders assist. In major disputes, or if the settlement chief's decision is appealed against, the matter is brought before the *reth*. Hofmayr further states that important cases are treated by him and his judgement is final.(2)

In the courts compensation is awarded for homicide and fines in cattle or goats, according to the seriousness of the offence, are imposed for disputing the *reth*'s judgement, refusing to pay royal tribute, wounding a royal prince or princess, for theft, robbery and sexual offences. Apart from minor offences it would appear that offenders were brought to court and tried, not so much for private wrongs as for public delicts or crimes coming under the general category of breaking the *reth*'s peace, disputing the *reth*'s judgement, breaking the *reth*'s and Nyikang's laws.

Information suggests that in practice in the past the *reth*'s judicial authority was by no means undisputed. Hofmayr maintains that an order or judgement of the *reth*'s court was executed by the *reth*'s bodyguard, which consisted of a number of youths who followed the king everywhere. According to the same authority "blood revenge is well known among the Shilluk and feuds do exist between persons, between families and also between villages."(3) The fine for homicide is 10 head of cattle; formerly a girl was taken instead of cattle. According to Seligman and Hofmayr, the *reth* kept the cattle but might give two or three cows to the family of the deceased as compensation. This practice is comparable to similar legal procedures in communities in which feuds still flourish and the central authority does not exercise very extensive political powers.

Intervention in a serious feud between two districts probably took the form of the *reth* supporting one side against the other, and self-help, sometimes both by the *reth*'s intervention, was possibly the means of obtaining compensation and settling disputes which were not willingly submitted by the two quarrelling parties to arbitration and the judgement of a court. On the other hand, a description of the settlement of a feud by Oyler suggests that the role of the *reth* is essentially that of peacemaker, but that his functions can only be exercised if the disputants are willing to make peace.(4) In this respect it would appear that the role of the *reth* is comparable to that of other ritual and peacemaking functionaries among the Nilotes, such as the leopard-skin chief of the Nuer and the Dinka spear-master.

(1) Hofmayr, *Die Schilluk*, 1925, p.187.
(2) *Ibid.*
(3) *Ibid.*, p.191.
(4) Oyler, *S.K.S.* 1928, Vol.III, No.2, pp.256-99.

9:Howell E-5 (1937-1950) 1952 F323 Shilluk F321

have no value in defence.[2] The *kwoy* is the symbol of this aggressive spirit. The *kwoy* himself is frequently an elderly man, and not a 'fire-brand' and his functions are passive. He is appointed, just like any other Chief, and when his people go to war he is carried on a canvas cot on a bed. He takes no active part and, like most Shilluk institutions of a seditious nature, the *kwoy*, like the *epiedi*, is powerless in himself and depends on public support.

On this occasion Nyigir settlement appointed a *kwoy* and the Chief failed to report the matter to the *reth*, or to the District Commissioner. A few days later Nyigir carried their *kwoy* into Golbainy, the neighbouring settlement to the north, and behaved in an aggressive manner, singing and carrying their shields. This challenging demonstration was repeated in Fashoda settlement next day, though the royal capital was avoided. The *reth* himself, hearing singing of which he had not been notified personally, intervened between Nyigir, lined up on their border and carrying their *kwoy*, and Fashoda who were mobilizing to defend themselves . . . An old feud exists between Nyigir and Fashoda. In the time of *reth* Nyidhiok (circa 1840) Nyigir attacked and burned the Royal Village of Fashoda. In 1917 Nyigir killed a Government policeman and assistance had to be obtained from Malakal and Tewfikia (where the mounted police had recently gone from Kodok). Nyigir is the largest Shilluk section, and has a strong element of intractable *kwareth*, all closely related and descendants of *reth* Awia, who, I know from experience, are hard to control. As far as I can judge this was not a seditious movement against the *reth* himself, but a major fight round Fashoda might have led to anything.[3]

I have quoted this incident, as it is recorded, not as evidence of subversive action against the person of the *reth*, or any threat to deprive him, but because it is clear that the *reth* is concerned, even had the incident been further removed than his own capital, in maintaining peaceful relations between the settlements. Further, the incident is typical of the hostilities which have so frequently occurred and been continued for long periods. Referring to *reth* Fadiet's time (1903–17) Hedmayr says:

> There was a great fight between Owaci and Tworo. Batholomew relates: 'A man from Owaci had been bewitched in Tworo and was kept in a village. They asked him how many men had been killed in the last fighting, but he refused to answer. Thereupon he was murdered and his body thrown into the river and anchored by wooden pegs, but the body broke away and floated downstream. The people of Owaci got to hear of it and started the great fight in which many Tworo people were killed. The survivors fled to the other bank of the river and until now the Tworo people say they are allowed to kill Owaci people as the price of blood.'[4]

This feud, referred to by Hedmayr in 1921, is of particular interest because there are accurate records of its continuance later. For example, between the years 1931 and 1932 there were thirteen incidents of clashes and several of homicide, and during this period twenty-seven men of Tworo and nineteen of Owaci were killed and larger numbers were wounded. The feud was finally settled in 1932 by a peace ceremony performed by the *reth* which will be described later.

These feuds, and in particular the feuds between Owaci and Tworo, have been mentioned because they show a persistence which does not seem characteristic of feuds among the Nuer and the Dinka, and also because casualties were very numerous.

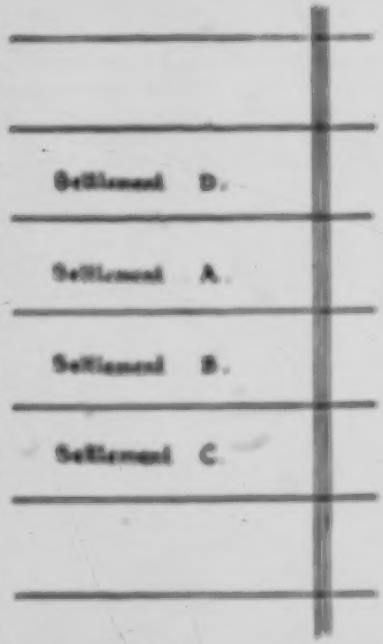
[2] The meaning of this statement is not clear. If there is aggression there must presumably also be defence.

[3] Thomson, W. F. G., unpublished Government Records.

[4] Hedmayr, *op. cit.*

936owell E-5 (1937-1950) 1954 FJ23 Shilluk FJ23

Other examples are recorded in the Shilluk District records.[1] Another important factor is the nature of Shilluk territorial organization. Settlements can, in a sense, actively continue a feud only with their immediate neighbours on either side. Thus, if a man of settlement *A* (see fig.) kills a man of settlement *B*, this may be the beginning of a feud which, through successive deaths, frequently breaks out again, because both sides are easily mobilized against each other; also it may lead to serious clashes in which the casualties may be considerable. At the same time, the sanctions for peaceful composition are comparatively greater. A feud between settlement *A* and settlement *C*, and even more between settlements *D* and *C*, is less easily sustained, though the sanctions for peaceful composition are comparatively less effective owing to territorial distance. Moreover, owing to kinship links which stretch across the boundaries of the settlements, there may be a tendency for intervening settlements to oppose further strife, or sometimes, on the other hand, to take sides in the affray, in which case internal warfare on a much wider scale may result. Demographical factors are here important and more easily discernible owing to the peculiar nature of Shilluk country and the way in which it is segmented in a continuous line from north to south, the boundaries being more or less at right angles to the Nile.



This form of sustained blood-feud between settlements in Shilluk society[2] is characteristic and endemic, and there are many instances both during the régime of the present Government and also during the previous Turkish administration, of which no official records are extant, but concerning which references may be found in the literature of early European travellers. Other forms of internal strife are either on a greater scale—widespread clashes often connected with subversive movements against the ruling *reth*—or minor hostilities within a settlement which concern the component lineages; from the evidence available, these appear to have been less prolonged than feuds between settlements. The first type of hostilities cannot easily be

[1] The authorities were much exercised over the problem of feuds and homicide—at any rate up to 1939—and the incidence of homicide was until then very high indeed.

[2] I do not here attempt to correlate the Shilluk "settlement" with similar segments in Nuer and Dinka society. If one called the four main provinces "primary segments", the divisions (*kaŋ*) would be "secondary segments" and settlements would be "tertiary segments" as described among the Nuer. The use of similar terms, however, presupposes a similarity of structure which does not exist, for segmentation among the Nuer is based on the ordinances of a lineage, but this is not so among the Shilluk. Furthermore, even the Shilluk "section" (*o-murwaŋ* called *otha*) be compared directly to a Nuer "tribe"? Similar difficulties arise when we attempt to compare political or social units among the Dinka, although

9:Howell E-5 (1937-1950) 1952 F223 Shilluk F223

669 681 [631] described as feuds, for they amount to civil war; the latter are usually so quickly compound that the feud is soon over. The ultimate aim of the feud is successful deposition of the monarch by one side or his retention by the other, and there is evidence of a traditional, almost institutionalized, opposition between the north and south.[1] In the latter form of hostilities the desire for peaceful composition after an outbreak of violence or an act of homicide was presumably fostered by expediency, for within so compact and densely populated a territorial unit the continuance of a feud would be intolerable.[2] Local lineages within a settlement are sufficiently united by common interests in economic activities, by marital ties, and above all in common defence against aggression from other settlements, that these sanctions were, and indeed still are, particularly effective. These distinctions are important, for not only are feuds between adjacent settlements often fiercely sustained, as we have seen, but it is at this level of internal disruption that the intervention of the *reth* is most obvious, if we are to accept the evidence of recorded instances. This is true whether we take the view that in the past, before Government influences were effective, the king's intervention took the form of arbitration demanded by the participants, or whether we take the opposite view that he took repressive or even legal action as the head of an organized force.

[629] 693 In the case of civil war over the issues of the monarchy itself, the *reth* was the leading participant defending his personal position against a rival. Action against him was *ultra vires*, though this was no longer true as soon as his rival was established on the throne. In the case of hostilities within a settlement, the sanctions were probably sufficiently forceful to secure amicable composition without either external arbitration or repression. We must, therefore, consider homicide in the context of inter-settlement feuds in which, as we shall see, the *reth* was more particularly involved in the role of peacemaker. It will then be necessary to consider the more individual aspects of the laws of homicide.

[626] 643 *The Reth's Role in the Composition of Inter-settlement Feuds*

682 692 On this subject the Seligmans say:

> *As the fountain of justice, the king kept for himself by far the greater part of the fines for homicide and other grave offences. The fine for man-killing was usually ten head of cattle, but sometimes more was levied; a girl might be taken in lieu of the cattle, when the king would allow the girl to marry, but would keep the bridewealth; or a girl and a boy might be kept as hostages by the king until the cattle were paid. The king might give one head of cattle to the family of the deceased as compensation; this, however, did not always settle the matter, and a blood feud might start and be continued until the balance of dead was even, often not only families but whole villages becoming involved.*[1]

[634] the Nyarik Dinka or any one else in this respect closer to the Shilluk than to the Nuer.

[1] See Evans-Pritchard, op. cit., p. 19.

[2] Latent hostility between kinship groups within a settlement sometimes prevailed. I recently dwelt with the *jago* of Ojwal Par from his home in the extreme south of that settlement to his northern boundaries. He insisted that I should drive him both, presumably because he preferred the comfort of a motor car to his own feet, but he gave as a reason that his people were at feud with the Awa Ginnes lineage lying just to the north of his own village (an act of homicide had occurred two years before). It may be noted, however, that the villages of these two Ginnes are not in Ojwal Par which is, in a sense, a separate settlement territorially but not politically within the boundaries of Ojwal Par. It is doubtful whether a feud between these people would be long sustained.

[1] *Pagan Tribes of the Nilotic Sudan*, p. 46. The author makes no reference to the evidence from which these deductions were made. It must be remembered that Seligmann supported the view that the king had absolute power, "in the old days his word was law." *The Cult of Nyakang and the Divine Kings of the Shilluk*, Wellcome Report, 1911.

9:Howell E-5 (1937-1950) 1952 FJ23 Shilluk FJ23

There are also scattered references by Hofmayr, who writes:

When the number of dead and wounded is equal on both sides, they stop fighting; then the king will hold a Court and punish the party who is in the wrong. . . . In the case of mortal wounds, the penalty is an ox. In the case of deaths, ten head of cattle have to be paid and formerly a maiden instead of the cattle. This heavy fine is paid to the king who in return would give two or three oxen to the family of the deceased for the mourning dance.

Later, talking of the reign of *reth* Kur, he says:

Two villages, Bel and Pabur, were fighting over a beautiful maiden. There was much blood shed on both sides. The king went to Pabur and at night time he occupied the village. Next morning he sat in Court and took all the ornaments and cattle away from the village, even the clothes of the village. As he favoured Bel, he never did anything there.[1]

Westermann, whose information is least reliable, states that:

Murder cases were tried by a court of chiefs and the king. If a man was condemned, he was disgraced in many ways before the people. Sometimes he was led about the village with a cow-rope around his neck, and then executed by hanging. If a man was executed on account of a crime, his whole family and everything he possessed became the property of the king.[2]

and also that:

In the case of certain infractions of the law the convict became the slave of the king, and could no more return to his home. These slaves are known as *tyo wod* ('man of crime') or *ador* ['slaves' of the Royal Household].

Apart from a description of a peace ceremony performed by the *reth* published by the Reverend D. S. Oyler, which will be discussed later, there are few references in published literature to homicide and the settlement of blood-feuds among the Shilluk. Naturally enough, administrative records contain frequent references to the subject because the Administration has been much concerned with the matter. Pumphrey, who was perhaps best qualified to weigh the evidence, unfortunately does not describe the procedures in detail nor record actual instances.

A full description of a peace ceremony between the warring settlements of Owiri and Thworo already mentioned was recorded in the Shilluk District files by Major G. W. Titherington in 1932. He writes as follows:

A peace ceremony was celebrated by the *reth* of the Shilluk between the settlements of Owiri and Thworo on their traditional battle-ground on 1-3-32.

This feud is the most bitter and bloody of modern times and in about twenty years probably some fifty casualties have occurred in fighting and by retaliatory murder, and the numerous attempts to stop it have failed. Peace had been in the air since the Shilluk Chiefs' meeting in January, and, all preliminaries having been agreed to, the *reth* arrived to stay with the local Chief on February 29th. He saw all Chiefs and Headmen concerned on March 1st and 2nd. He then went to Thworo where the Court Chief brought a guard of about one hundred spears. These were in formation and fully armed, but in undress and without shields. The four Thworo companies took about an hour and a half to get assembled. There were about five hundred men on parade and (by then) all fully equipped, drums and kudu horns were in full blast and everyone in a much sweat and vast excitement. The *reth* addressed them briefly and they replied that they wanted peace. He got them on the move,

[1] Hofmayr, *op. cit.* [2] Westermann, *The Shilluk People*, *op. cit.*, p. 160.

9:Howell E-5 (1937-1950) 1952 FJ23 Shilluk FJ23

led by the guard, and then motored on to Owaci who were similarly started off, about eight hundred strong, also in four companies.

There was a large assembly waiting at the meeting place, with three bullocks and four sheep for sacrifice. These were provided by the *reth* and the two factions.

Two neutral Chiefs had previously been told off to lead the factions to the meeting place which had been marked. This is important because experience has shown[1] that left to themselves the two factions will sit down about two hundred yards apart and then the memory of stolen cattle or a murdered brother will be too much for someone's self-control resulting in a flow of martial oratory. This will lead some young blood to dash forward and hurl spears or insults and these fashion retaliation. If they can be got to move up close together without pause, it is obvious that the consequences of any hostilities will be so serious that anyone trying to start anything will instantly be suppressed by his wiser brethren in arms.

Both factions were finally got to sit down close up to the line and to put their shields on the ground as a sign of mutual confidence. The *reth* walked among them and briefly addressed them and they answered that they wanted peace. He was rather an impressive figure and seemed to have the situation under confident control. Some concerted hand-clapping was taken as a good sign by the public.

The *reth*'s bullock was then led between one faction and the guard, thrown on its back, held by men of both factions, speared by men of both factions and had its throat cut.[2] Next, a procession of neutrals was formed who took hand-fulls of the stomach contents and marched round throwing it at the factions. The next item caused most interest among the public. Thworo got up, marched round the guard and sat down touching Owaci who had the good manners to remain seated. Owaci's bull and sheep were led up, but put aside to be sacrificed in the shrine of Queen Abujok in Thworo next day. Thworo's bull was then led up and killed just as the *reth*'s had been by persons with an active interest in the feud. Lesser folk killed the sheep, one of which got up and managed to stagger a few steps under a rain of spear thrusts. This was considered a bad omen and one by-stander recalled the abortive peace between Fashoda and Fanyidwai in 1926.[3]

This cannot be quoted as evidence of the *reth*'s executive powers, for we know that he was accompanied by the District Commissioner on this occasion, but certain interesting facts emerge. In the first place, the attitude of opposition between the two groups is clearly stressed, though it is more than probable that at proceedings of this kind a display of hostile attitudes is demanded by convention. The author indicates that the *reth* busies himself with the actual organization of the ceremonies and certainly acts as arbitrator, visiting first one side and then the other. It is unfortunate that little mention is made of the ritual functions of the *reth*. In 1920 the Rev. D. S. Oyler described a similar peace ceremony in the settlements of Malmom, Fakni, Farwom, and Fair[4] and his account of the procedure does not greatly differ from that of Titherington. He implies throughout that the desire for peace came from the participants and there is no suggestion that peace was forced upon them, even though the *Mamur*[5] was present. 'The people of this District', he says 'were tired of con-

[1] Titherington makes no reference to instances from which such experience derived. It must be assumed that some peace ceremonies failed from the start.

[2] Shilluk say that each man concerned should cook the sacrificial ox, which is then split (*agol*) and the two portions divided among the respective parties. This procedure is reminiscent of all ceremonies performed in Nilotic tribes for the restoration of peaceful relations.

[3] Unpublished District records by C. W. Titherington, at Malakal, dated 24.5.31.

[4] Oyler, the Rev. D. S. 'The Shilluk Peace Ceremony', *S.N.R.*, 1920.

[5] Sudanese (or more probably Egyptian) administrative official.

9:Howell E-5 (1937-1950) 1954 F323 Shilluk F323

tional guerrilla warfare, and some of them were anxious to have the trouble finally settled.' He adds, 'Each side was afraid to make the decision lest it appear weak.'

Oyler's account gives us a clearer picture of the ritual performed by the *reth* and also of his function in exhorting the people to make peace. There is nowhere any suggestion that he compels them to do so, he merely 'advises'. Much of this 'advice' is stained with statements which reflect the *reth*'s official capacity as Government agent. 'The king made a talk in which he pointed out that the colour of the animal to be killed had bits of both red and black. The red was for the blood that would be shed, should someone break the covenant, and the black was for the evil of such a course. . . .' We, the black people unite with the red (white) people of the Government to reconcile you'.[1] Though much of the metaphorical aspects of this speech may have derived from the Rev. D. S. Oyler himself, it is not, as a matter of fact, unypical of Shilluk speeches of this sort.[2] Later we hear that 'he (*the reth*) informed the people that the animal was a cow of Nyikang, descendant of a cow owned by Nyikang. The king added most seriously: "The flesh of this animal is my flesh, and its blood is the same as my blood. Great disaster will come on you, if you break the covenant, for you will be cursed by the blood."' Then, after considerable delay because no one was willing to take the responsibility of being first to spear the animal, men of both factions speared it to death and, as described also by Titherington, were pelted with the stomach contents.

One thing is striking. The orderly procedure described in these accounts bears little resemblance to the punitive expeditions carried out by the *reth* in order to suppress internal hostilities, and though this might be expected after thirty years of administration, it seems to me that the *reth*'s role as arbitrator is far more in accordance with his true functions in Shilluk society.

There are also references in District records to these punitive expeditions, but always without the evidence of actual instances. One hears of the 'custom of the *reth* of punishing a murderous or disobedient village by looting and destroying it. . . . He did either by sending a force of his own, if it was near Fashoda, or else, if it was a long way off, by sending orders to the Chief of the neighbouring village or section to do this. Such a force was apparently not retained and there was no difficulty in finding it because there was sure to be a community with a feud against the guilty and also the *reth* only kept part of the loot. . . . This system seems to have survived the *Turkia* and *Mahdia*, possibly because there was nothing incompatible in it with methods of those days.'[3]

The author of this account might have added that much in the methods employed may even have derived from Turkish example. The Turks were at pains to use the *reth* as an administrative agent and doubtless encouraged such raids carried out in the name of justice and security. The author continues: 'However, these methods came to an abrupt end with the removal of *reth* Kur in 1903, the appointment by the Government of his aged successor *reth* Fadiet, and the rules laid down at the time.'

From scattered references of this nature we are not able to reach reliable conclusions concerning the *reth*'s executive authority in the past in connexion with homicide and blood-feuds, whether actual or theoretical. There is certainly a strong tradition

[1] Cf. speeches made at the installation of *reth* Anei and Kur. Howell & Thomson, op. cit., p. 51.

[2] 'A note on Customary Law', dactylographed (unpublished). The italics are mine.

9:Howell E-5 (1937-1950) 1952 F323 Shilluk F323

among the Shilluk that he was empowered to suppress internal feuds, that he actually did so with the assistance of an army of cavalry, and that, though the punishments inflicted on the guilty sections of the community were severe and included seizure of property and the enslavement of the guilty parties, little resistance was shown. At the same time, there are few examples cited in Shilluk tradition which date back to days earlier than the first alien administration. Such methods resemble the methods employed by those who were used as agents in Turkish times to maintain some kind of order. They are also reminiscent of Arab procedures, and it must be remembered that the Shilluk were influenced by Arab contacts.[1] They are in keeping also with the methods employed during the *Mahdia*.

On the other hand, it is quite clear that the *reth* has always had recognized functions as an arbitrator in blood-feuds. These functions are both purely secular, in the attempt to reconcile warring factions, and ritual, in the removal of prohibitions raised in feuds.[2] It is more than probable that in early days the *reth* would take no action unless he was certain that the two parties wished for peace. In Titherington's account we hear that, 'The *reth* walked among them and kindly addressed them and they answered that they wanted peace. . . . The taboo on the families at feud eating together, is removed by the *reth*.'[3]

Hofmayr says: 'When the number of the dead and wounded on both sides is equal, they stop fighting. The King will hold court and punish the offender who is in the wrong.' The idea that feuds cease when the participants are tired of fighting and of a perpetual state of insecurity is stressed again and again in reports. It is at this point that the *reth*'s intervention is accepted, and it seems to me doubtful whether he would normally intervene in any other circumstances.

Indemnity for Homicide

The present recognized indemnity for wilful homicide among the Shilluk is ten head of cattle. There have been frequent attempts by the Administration during the course of the last thirty years to raise this number, as a deterrent, but these attempts do not appear to have been either effective or generally accepted by the tribe. The traditional number demanded is also in doubt. Thomson, in an unpublished report, says: 'In the past blood-money for a killing was ten head of cattle to the deceased's family and ten to the *reth*. Later it became ten to the deceased's family, five to the *reth* and five to the Government. It is now (circa 1931) ten head of cattle to the family of the deceased only.' I have sometimes heard it said that in *reth* Fadiet's time (1909–17) it was only seven head,[4] but it was raised to twenty, of which the *reth* took half, by orders of *reth* Fadiet when he first succeeded to the throne. It is also said that in the old days a girl was sometimes handed over instead of cattle, and although intermarriage between people at feud is considered wrong unless the full peace ceremonies have been completed, this girl was taken in marriage by one of the kinsmen of the dead man. If, by reason of some kinship relationship with the deceased, she fell within the prohibited degrees of marriage, she would be accepted as a

[1] Cf. The Beggara Abana: Lebi, whereby several tribal segments would band together to punish wrongdoers, seizing their possessions, which were handed over to the deceased's family.

[2] Such as the prohibition on eating together and on intermarriage.

[3] Titherington, unpublished records.

[4] Sometimes quoted as being current in *reth* Kur's time (deposed 1909) too.

9.Howell E-5 (1937-1950) - 1954 F323 Shilluk F141

daughter, would marry out of the lineage, and her bridewealth would be used to marry a wife from elsewhere. I can quote no actual instances of this custom, but it is in keeping with Shilluk ideas, and I believe it to have been common in the past. The indemnity is known in Shilluk as *ot dhom*, 'the replacement of a man'. Although the Shilluk do not have an institution comparable to the Nuer and Dinka custom of 'ghost-marriage',[1] they certainly consider that the continuity of the kinship group must be assured and the acceptance of an indemnity is primarily directed to this object. A wife married with 'blood-cattle' is called *nyo ot dhom*, 'the girl in place of the man';[2] and although she is not married specifically 'to the name of the dead man', as would be the case among both Nuer and Dinka, the principles are the same. The primary intention in accepting such payments in cattle is therefore to marry a wife into the dead man's lineage, or to acquire a girl who will either be taken in marriage or received as a daughter from whom bridewealth may be expected. Since bridewealth among the Shilluk is more or less rigidly maintained at ten head of cattle, it is logical that the indemnity for homicide should also be ten.

Among many Nilotic peoples in the past there were different rates of compensation for the taking of human life according to the status of the person killed. Among the Shilluk a greater differentiation might be expected, but there is little evidence of this, though Shilluk themselves say that to kill a member of the royal clan would be a serious offence and in the past was likely to call forth a punitive expedition by the *reth*. It is significant that Hodgkin says: 'To wound a royal prince or princess, or a royal daughter or son of a prince, whether it happens accidentally or intentionally, demands a high penalty for the shedding of royal blood (*o nam*). In 1911 a boy accidentally injured a royal daughter with a spear and caused only a slight flesh wound. He had to pay six head of cattle (two or three to the King, one to the mother of the girl, and one to the Chief of the village).'

There is normally no distinction in the amount of compensation demanded for the death of a woman. A husband who kills his wife is not expected to pay compensation if he has completed the bridewealth payments. When a woman kills someone, her father or legal guardian is held responsible if she is unmarried; a husband is responsible for the actions of his wife.

As among other Nilotic peoples, where homicide is a joint action, the first man to cause injury to the deceased is held to be responsible for his death.

In the peacemaking negotiations described, the ritual acts and ceremonial gestures are reminiscent of those performed by the 'Leopard-Skin Chief' among the Nuer, and the 'Chief of the Spear' among many Dinka tribes. There similarities are seen in the public ceremonies rather than in the special ritual performed to relieve the killer of the spiritual contamination which is believed to follow an act of homicide; this is not surprising, since obviously the *reth* could not deal individually with every killer. Further, it is customary for these functionaries among both Nuer and Dinka to take a small proportion of the 'blood-cattle' in return for their services,

[1] See Evans-Pritchard, *Kinship and Marriage among the Nuer*, pp. 109 ff. Oxford, 1951.

[2] Mr. J. L. Baker tells me that children born in such circumstances are known as *ahiy ot dhom* (pronounced by most people locally 'Ashot dhom').

[3] For example, out of a total varying between twenty and forty head of cattle, the Nuer first take the pay-horse to return for the services rendered in the negotiations for peace, the murderer's 'bull calf of blood') and pass this ('cow of the bridewalk-slow'), besides two cows which he receives at the ceremony. In some parts of Northern Dinka-land this style

9:Howell E-5 (1937-1950) 1952 FJ23 Shilluk FJ23

some of the losers are sacrificed during the ceremonies and others are added to their personal herds. One must, therefore, beg the question whether those portions alleged to be the *right of the reth* were ritual fees of this nature rather than ' fines ' as is so frequently stated. It is a question of interpretation, and I suggest that even though aggressive action and the exaction of ' fines ' may have occurred, with the backing of foreign Governments, during the latter half of the last century and the early years of the present Administration, the payments were ritual in origin and concerned the *reth*'s ritual functions in society. The use of the word ' fine ' appears to me to be inaccurate.

Ritual of Purification for Homicide

As among other Nilotic peoples, a Shilluk who has killed another must perform certain rites to cleanse him from impurity which might otherwise affect his kinsmen. This process involves, first, the letting of blood, which is carried out by a magical expert (*ajwogi*)[1] who makes a small incision on his right shoulder with a spear. This is known as *tai dhani*. Secondly, a small sacrifice is made (usually a sheep), the object of which is to remove the curse of the dead man's spirit. As among the Nuer and Dinka, the killer is not expected to eat or drink until this ritual has been performed.

Accidental Killing

Accidental killing (*agwey*) is apparently not regarded as a serious offence among the Shilluk, especially if the two parties are connected by kinship or by close association in one territory. Hofmayr says: ' Accidental killing requires only the sacrifice of an ox as a peace ceremony and no more.'[2] District records indicate that two head of cattle sometimes were paid. At the Shilluk Chiefs' Council in 1934 it is recorded that ' the Council do not know whether there is a definite law on this subject or not. The *reth* says that years ago it was two head of cattle, one to the relatives of the dead man, one to the *reth*. He himself suggests two head of cattle to go to the deceased's family. This is confirmed as law.' I do not think that any such fixed indemnity existed in the past, but that intention was recognized and accident accepted in mitigation of the offence. At any rate the indignation of the deceased's kinsmen would not be so acute, and they would be prepared to accept an indemnity less than that normally demanded for intentional homicide.

Bodily Injuries not causing Death

On the subject of bodily injuries less than death, the evidence is even less reliable than on homicide. It is evident that such injuries require the payment of compensation if retaliatory action is not to follow. At the same time it is perhaps surprising that among the Shilluk, unlike the Nuer and Dinka, there are no recognized injuries for which compensation is given on a definite scale. We have that ' for injury ' an immediate payment of one bull must be made as a guarantee of good faith. Subsequent settlement is made on a scale regulated by the severity of the ultimate damage and rising, in the case of blinding, to the same rate as for death. Apart from the problem of the *reth*'s intervention in matters of this sort, it may be assumed, in the absence of

[1] *Ajwogi*. Hospital experts or specialists. These persons are not comparable to the Nuer fuorkuaarnin, such as the Nuer have, but to the possessors of spirits (*jwan kwath*). *Ajwogi* is a derivative of *Juok*, meaning God in Shilluk.

[2] Op. cit.

9:Howell E-5 (1937-1950) 1952 F323 Shilluk F323

a basis for definite conclusions. It is, however, probably safe to say that among the Shilluk homicide is a private delict requiring the restoration of equilibrium by the payment of compensation in cattle. The main object of such payments is to marry a wife into the kinship group of the deceased—rather than individually to the name of the deceased—and thus ensure its continuity and increase, which have been interrupted by the removal of one of its members. Retaliatory sanctions are also operative, in that the duty to take vengeance on the person of the killer or one of his kinsmen is recognized.[1] In principle, there are here no profound differences between the Shilluk and their Nuer and Dinka neighbours. The rate of compensation is governed by the relationship between the parties and thus the offence is subject to social usage. Parricide and fratricide, regarded as the gravest possible offences against the integrity of the kinship group, are subject only to supernatural sanctions. These apply within the local lineage in lessening degree according to the relationship between the persons concerned, and the ritual expiation is known in Shilluk as '*cuala ji kipe rwom*'.

We cannot, however, entirely ignore the strong tradition which prevails among the Shilluk and the views of early writers, that the *reth*, as ultimate authority, had the recognized power to intervene, to enforce such payments and, moreover, to exact additional payments in person and kind amounting to fines which he seized for himself. If we are to believe these traditions, we must conclude that public action against warring factions, whose continued enmity was disturbing the peace of Shilluk society as a whole, was sometimes undertaken. This does not, in my opinion, alter the argument that individual acts of homicide were treated as private delicts involving primarily the restoration of equilibrium between the units of society concerned. If, however, the portions alleged to have been taken regularly by the Shilluk *reth* are regarded as '*fines*' paid to the head of the State (though in my opinion this is a wrong interpretation), then homicide among the Shilluk appears to be in a transitional stage between a private and a public delict, and was so even prior to the introduction of penal sanctions by the present Government.

[1] Pumphrey observes: 'It is interesting that where a compensatory payment for killing is due (in contrast to compensation for lesser wrongs) the act is open wider and one only the lineage, but even members of other lineages of the name clan are expected to contribute.' Op. cit., p. 19.

BIBLIOGRAPHY

Brun-Rollet, P. 'Les Lacals des Schilluk', *Anthropos*, 1911.
—— and Gaffney, J. R. *The Anglo-Egyptian Sudan*, 1905.
Bulletin, G. *Il Fiume Bianco e i Dinka*, Verona, 1881.
Carey, Capt. G. F. 'A Day in the Life of an Idle Shilluk', *Sudan Notes*, viii, 1925.
Crazzolara, Rev. Fr. J. P. 'Beiträge zur Kenntnis der Religion und Zauberei bei den Schilluk', *Anthropos*, 1933.
D. I. 'Conspiracy against the Nyk of the Shilluks in 1917', *Sudan Notes*, v, 1922.
Evans-Pritchard, E. E. *The Divine Kingship of the Shilluk of the Nilotic Sudan*, Frazer Lecture. Cambridge, 1948.
Gaffney, Major. 'The Tide of the Reth', *Sudan Notes*, viii, 1918.
Hofmayr, P. W. 'Zur Geschichte und sozialen und politischen Gliederung des Stammes der Schilluk-länger', *Anthropos*, 1910.
—— 'Religion der Schilluk', ibid., 1911.
—— *Die Schilluk. Geschichte, Religion und Leben eines Niloten-Stammes*, Mödling b. Wien, 1911.

14: Oyler M-5 (ca. 1918) 1920 F323 Shilluk FJ23

UPPER NILE PROVINCE.

THE SHILLUK PEACE CEREMONY.

628 This district had been disturbed by a feud for more than three years. The people of the district were tired of the continual guerilla warfare, and some of them were anxious to have the trouble finally settled, and to return to normal conditions. Each side was afraid to make the suggestion lest it appear to be weak.

628 634 643 [647] After an outbreak the mamur and the king or mek advised the chief men of the district to get together and make peace. The chief of the district came to the mission and asked to have their conference of the chief men here. Since the feud the chief of the district had been able to exercise his authority over one faction only. The Maiaam, faction, which included Maiaam, Fakui and Fatwera recognised him, but the people of Failo refused to accept him as chief. However the old men of Failo answered his call, and after several conferences both sides agreed that they desired to end the feud. They decided to inform the government and the king of their decision, and that peace would be established, when it suited the government to send a representative with the king.

The king came to the mission as being neutral ground where both sides could come. He had two days to wait before the arrival of the inspector. He needed only a few hours. The old men of both factions presented themselves before him. He said "You are the chief men. How is the talk?" They replied that it was finished. Abud, the chief of the district, then said it was his desire to rule the district well, but that he needed the help of the king, and the government to unite it. The king then dismissed the old men, and told them the talk was finished. He warned them to bring their fighting men to have the final ceremony as soon as the inspector arrived.

628 634 [643] The Senior Inspector of the province, Mr. Jackson, arrived in the night. Chief Abud, heard the boat pass his village, and he was so anxious for the peace, that he ran to the mission to make sure it was the province boat. When he had found it was the boat belonging to the inspector he ran back to call his men. He told the people he was

14: Oyler M-5 (ca. 1918) 1920 F323 Shilluk F321

having the feud brought to a close, and warned them that they would do well to support him. He also told them, that should any man seek to renew the feud he would find great trouble. The quiet of the night was broken by the kudu horn calling the men to assemble.

In the morning Akol came to inform the king that the men had arrived. The fighting men stopped at a respectful distance. Akol called the Naissan faction to come near. He was told to call the rest of his country, and he said 'it is my country' and he then called the Fulo men, and they came near. The king greeted them, and then Akol proceeded to give them some advice. He informed them that the king had given an ox to be used in the peace ceremony. He told them that in the future they were to refrain from murder, on the road, in the fields, or wherever they might meet their neighbors. He added, "The person who will commit a murder will not have an ox in house. If you have a disagreement bring a case before the chief or the government. If busybodies from outside bring reports about your neighbours, do not let it estrange you again."

The young men with their weapons then moved out into an open place where they could find plenty of room for the final ceremonies. The men of each faction were separate, and Mr. Jackson, and the king stood between them. A great crowd of spectators had gathered. Some of them were from other villages, and some were men who from some reason or other could not appear on the parade ground though from the interested villages.

Akol threw some dust into the air near the animal. It signified that as chief of the district he held the land, and it was also to prevent that no accident would mar the ceremony.

A time of speech making followed. The visiting chieftains made talks of exhortation in which they emphasized the sacredness of a conference sealed with the blood of a victim. The king made a talk in which he pointed out that in colour the animal to be killed had bits of both red and black. The red was for the blood that would be shed should some one break the covenant, and the black was for the evil of such a course. "We, the black people unite with the red (white) people of the government to reconcile you." He told them that Akol was to be chief, and that the other responsible men were to obey him. He informed the people that the animal was a cow of Nyikang, that it was a descendant of a cow owned by Nyikang and

14: Oyler M-5 (ca. 1918) 1920 FJ23 Shilluk FJ23

that its ancestors had also been owned by Dak, son of Nyikang. (That was added because the people of this district pay great honour to Dak.) The king added most seriously, "The flesh of this animal is as my flesh, and its blood is the same as my blood. Great disaster will come on you if you break the covenant, for you will be cursed by the blood."

The other chief then spoke. The Inspector inquired whether or not they were ready to abide by the promises they were making, and both sides declared they were.

Then the king called Akol saying "take the spear". The king then took the spear to be used from the hand of his follower, who had been carrying it. The spear was held up for the people to view, and they were informed that the person, who dared to break the oath would have the spear enter his body, even as the spear would later enter the body of the sacrifice.

The next ceremony was to pull the tail of the animal. Akol pulled for the Mainom faction, but one, who would have pulled for the Failo faction was rejected as being too young. Then one of their oldest men stepped out and pulled its tail. This act they looked upon as an oath, that the man pulling the tail were to bear the blame if the peace should be broken. Disaster would come both to the man who pulled and his family, should his faction break the agreement.

Akol then rubbed the spear on the back of the animal, and then called for some one to give it the first thrust. A number who were called to do it refused because they were too young, and they feared the responsibility, because in case the foul should be removed the man who shed the blood would be held guilty. Every then a chance was given to the people to refuse. They said, If you do not, wait peace, do not let the blood be spilled." A man was found to strike the animal. He gave it a serious wound. The animal walked toward Failo. The people declared that the animal was showing that Failo was responsible for its death, that is Failo had been the original transgressor in the trouble. One young man from the Mainom faction said the decision was now to be against Failo because the animal had been brought from Malakal with some cattle which were then in Failo, and the wounded animal was almost now to turn back toward them. Then men from both factions speared it, and the animal fell.

14: Oyler M-S (ca. 1918) 1920 FJ23 Shilluk FJ23

After the animal fell the two factions moved closer together. The animal was then cut open, and some of the contents of the stomach was taken by the old men, and thrown on the young men. That was done to show their united condition. The thought was that the animal eats a bit here and there, but in the stomach it all becomes one mass. Even so the individuals of the two factions were to become one. The two factions then united in singing the song of Dok. 628 783

To conclude the ceremony the men of the two factions started to march, and as they marched the two factions mingled until the onlookers could not tell to which faction the people belonged. The old chief was so happy that he leaped about, and danced like a boy. 628

The Inspector then gave some tobacco to the chief men. After that the meat of the animal was divided, and part taken by each faction. [649]

The meat was to be eaten in the villages, and the tobacco was to be smoked, and the people were to become one also through the eating, and smoking of the same thing. The formal ceremony was finished.

Before the people separated the king called a man, who had been under arrest for several months because he had taken part in the feud. The king said "When you see a man from the other village will you again curse him, and call to your friends to come on to slay him? The man said he would not. The king said "we heard of this man and his big words, but when we took him he was very small." He added that was often true of boastful men. 628 643

Both factions now profess to be glad that peace has been made, and declare that they intend to keep the peace.

Rev. D. S. OYLER.

19: Howell & Thomson E, G-5 (1943-1946)1946
FJ2] Shilluk FJ23

does not count. It has been suggested that the prohibition of grass fires may spring from this prohibition upon building: it is necessary, if the building season is to start late, to preserve the grass for roofing. Out of respect for Nyikang it is also forbidden for the Shilluk to indulge in inter-sectional fighting, or possibly from fear of his wrath.

Several other prohibitions govern the *reth*'s own behaviour: he may not sit upon the ambatch mattress, favoured by the Shilluk, until his installation, and his movements are considerably restricted. There is great importance attached to watercourses by the Shilluk, and until his installation the *reth* found himself unable to cross west of the big *khor* beside Fanyikang, which joins the Nile just downstream of the shrine of Nyikang.

To the north of Fashoda, he was "afraid of going too close to Nyikang". In fact he found any suggestion that he should travel north of Mal near Detwok uncomfortable. The importance attaching to *khors* is not confined to the two at Fanyikang and Mal. Whenever the new *reth* comes to a *khor*, before crossing it, he must step over a sheep, held prostrate in the bed, before he can cross. This sheep must be brought from the nearest village, but if a death has recently occurred in the village, or no one can be found to lend a sheep a sheaf of grass will do instead.

PART III—THE INSTALLATION OF ANEI KUR

There are various preliminaries to the installation of the *reth* by Nyikang. Many materials necessary for the ceremonies have to be collected, and apparatus has to be made.

The most important is the expedition to *pathe mwoyo* (or raiding country), and northwards to the country traditionally conquered, though more probably merely raided, by Dak, the son of Nyikang. Two small sections are responsible for this embassy. The subsection of Akwolbai in Kwom (Gol Nyikang), and the small section of Abwor in Mwomo (Gol Dhiang), are responsible for obtaining silver and cloth from the north, and as they go north they solicit gifts from Shilluk villages by the way.

29:Dempsey M-5 (1940-1954) 1955
FJ23 Shilluk FJ23

a small hole for entrance, no Shilluk may dare to build himself, say, a square hut, or improve the light and ventilation of the traditional dwelling by putting in a window.

The Shilluk is a fine fisherman, adept in the use of harpoon, fishing spear and net. The harpoon he uses consists of a loose barbed head of iron which is fitted into the socket of a long bamboo pole to which it is attached by a length of thin but extremely strong twine. When a large fish is caught on the barb, it jerks the head from the socket, and is then played by the fisherman until he is able to finish it off with his fish spear. The spear itself is normally used in the shallows of the river or swamp; the man casts it repeatedly into the soft mud as he walks along, hoping to spear the mud fish which lie in great numbers under the surface.

The use of the net by an expert is a delightful thing to watch; the net is large, fine-meshed and circular in shape, weighted round the edge with pieces of lead. The fisherman gathers it in folds over one arm and casts it with a clean, effortless sweep; it falls lightly on the water in a perfect circle, sinks slowly to the bottom and then is slowly gathered in. If it is empty, it is folded and cast again with the same easy, graceful motion.

Fishing is done all the year round by individuals, but the real season is from March to May when the river and the large inland water-courses (the khors) are at their lowest level. During this time several villages will combine together to fish a certain khor, and as women as well as men join in, it becomes a real community effort. The day before that appointed for the fishing, men will go to the khor and block up its outlets, then on the day itself there is a general exodus from the villages, the men carrying harpoons and spears, and canoes if the river has to be crossed, the women carrying heavy nets, and cooking pots too if the start is early. Arrived at the khor, the women fix the nets on poles firmly pushed into the deep mud, side by side, right across one end, leaving no way of escape. The men line up abreast at the other end and move slowly towards the nets, thrusting into the mud

29:Dempsey M-S (1940-1954) 1955
FJ23 Shilluk FJ23

soon find the king's wrath heavy upon him and his cattle taken to satisfy the outrage on the royal dignity. Hippo hunting is done by night as well as by day. At night the hunters lie in wait for their victim as he emerges from the river to eat and sleep. On the morning of the day of the hunt, one or two men will go out early to look for the place where the hippo has lain up during the night, and from it they trace the path he has made through the tall grass and reeds to the water. In the evening four or five hunters go to the place and lie hidden in the grass. As the beast comes up from the water they stab it with a short, heavy harpoon, and if it falls, hamstring and then kill it. To the shaft of the harpoon is attached a long line with floats of ambach wood tied at intervals. If the wounded animal is able to plunge back into the river the hunters will follow its flight in their canoes, provided there is a good moon. When the hippo surfaces for breath they attack him again with a harpoon, trying to strike him in the back of the neck and in the nose, and this second attack usually finishes him off. He submerges again, but in a couple of hours floats to the surface like an enormous balloon and is easily pushed into the shallows, and there left to be cut up at leisure the next day. The hunters in the meantime go off in search of another victim, and thus in one night may take three or four beasts. If the night is too dark for them to pursue their victim, they leave it till the morning when they search the river carefully for the floats which are sometimes found tangled up in the long grass on the bank. In the daytime they will boldly strike at a hippo from their canoe, as he surfaces to breathe, and pursue him, attacking constantly until he is killed. The people of the village nearest the spot where the carcase is floated ashore assist in cutting it up, and receive a portion of the meat and hide as their reward. The choicest parts, including most of the fat, belong to the king and must be sent to Fashoda; the chief, too, levies a generous share for himself, and the rest belongs to the hunters.

Of course a hippo hunt is not always such a one-sided affair, for occasionally the wounded animal will turn on its

29:Dempsey M-S (1940-1954) 1955
FJ23 Shilluk FJ23

be telling the truth, and therefore be quite unimpeachable, but he is aware that if the verdict is given in his favour it will be, not so much because of the justice of his claim and his forensic skill in presenting it, but rather because he has promised the judge a bigger 'fee' than his opponent has.

Among the Shilluk the Christian precept of forgiveness of one's enemy does not obtain, but they follow rather the old Jewish principle of retribution for injuries inflicted, and although they will not literally demand 'an eye for an eye and a tooth for a tooth', there is a recognised scale of payment for all such injuries. The penalty for knocking a tooth out is especially severe, the aggressor having to pay the injured party a cow. For an offence against an unmarried girl, her father will claim three cows, and for adultery the fine is four cows. Woe betide the offender who refuses to pay up; he will be wise to keep clear of the district in which the injured party lives, for the relatives of the latter will most surely wreak their vengeance on his person. In the case of homicide, blood payment of ten or more cattle is demanded, quite apart from any penalty that the law may inflict, but sometimes the grief-stricken relatives of the dead person will fulfil quite literally the commandment 'The kinsman of him that was slain shall kill the murderer' (Num. 35: 19), and if perchance he is already in custody and out of their reach will exact vengeance on one of his male relatives. Then the family of the second victim will strive to vindicate their manhood by a raid on the other village and more killings may take place and the feud develop into a minor war, till such time as police can be got to the place and the culprits are arrested.

A grim instance of vendetta occurred in the Lul district a few years ago. A quarrel arose among some youths, tempers rose, a blow was struck and the unlucky recipient died. The aggressor was arrested and sent to Malakal for trial, but a few days later his house was raided and his father murdered as he sat defenceless at his supper. Before police could arrive from Kodok or Malakal, the village of the dead youth was

29:Dempsey M-S (1940-1954) 1955
FJ23 Shilluk FJ23

raided in turn, his father speared to death and his brother so seriously wounded that he died shortly afterwards in Malakal hospital. The fact that one of the dead was the chief minister of the king did not deter the attackers from taking his life in retribution for the outrage they considered done to their family. In Detwok, over thirty miles away, we felt the repercussions of this awful tragedy. One of the teachers was a relative of the first aggressor, and he went in fear of his life for weeks after the unhappy event, and despite my assurances that no one would dare raid the mission, he insisted on carrying his spears around with him, even to the schoolroom and the chapel. The affair took place during the school holidays, and the boys from Lul who attended the Central or Teachers' Training Schools at Detwok did not return for some weeks after the new term had started, refusing, until the culprits on both sides had been arrested and security had been restored, to leave the safety of their villages, lest they be ambushed on the road and killed.

Sometimes a feud develops between two villages originating perhaps in some trivial incident now completely forgotten in the passage of time, but the principle is always the same: some injustice, real or imaginary, was suffered by one individual at the hands of another and such a thing can never be permitted to go unrequited. Reprisals follow from one side and the other, and a bitter rivalry springs up between the respective villages of the original antagonists, trouble breaks out periodically resulting in a little bloodletting and a few cracked skulls on both sides, police are called in to restore order and to whisk the offenders off to prison, the village responsible for the breach of the peace is fined a number of cattle and both sides settle down to an uneasy truce until the next outbreak.

Such an antagonism exists between Detwok and its neighbour Pabiu. The quarrel originated over half a century ago when one village or the other—I could never discover which—destroyed or damaged or in some way desecrated the war drum of the other. The bitterness between the two villages grew with the passage of the years and there were

29:Dempsey M-5 (1940-1954) 1955
FJ23 Shilluk FJ23

occasional outbreaks of fighting. An incident which might have had serious consequences occurred in 1940, shortly after I had arrived at Detwok. The young bloods of Detwok, after a merry evening of drinking and dancing, thought to round off a perfect day with a raid on the ladies of Pabiu. All good fun and high spirits, but the men of Pabiu, not unnaturally, objected to their daughters and sisters being taken for a midnight stroll, and the father of one girl stabbed her aggressor in the throat. The attackers, suddenly sobered by this serious end to their pranks, retreated to their own village, carrying their wounded companion. The drum was sounded, the village roused and the men armed themselves for the raid that Pabiu might make on them for the insult offered to its womenfolk, or for the attack that they would most surely launch on Pabiu should the wounded man die. Fortunately tragedy was averted by the good sense of the chief of Detwok. Knowing that he would be unable to restrain his angry subordinates if the man did die, he sent a runner to the mission for medical assistance and another to Kodok for the police. Mother R. immediately went to Detwok and by prompt first aid saved the wounded warrior's life and the two villages a great amount of extra trouble and grief. The arrival of the police in the morning and the removal of the originators of the mischief restored peace, at least temporarily, to the neighbourhood.

Later the same year, the Assistant District Commissioner chanced to drop in at Detwok. His visit was most unfortunate from the village's point of view, for he found a couple of Sudanese witch doctors plying a brisk trade with, not merely the connivance, but the positive approval of the chief. He and the medicine men were promptly arrested and he was deposed from his chieftainship. He had been not merely chief of Detwok but the District chief, and now, to the chagrin of all true Detwokians, that coveted honour was transferred to Pabiu.

The year 1943 gave Detwok fresh cause for resentment and a fresh longing for revenge over their hated rivals. The rains had failed and the mid-year food shortage was even

29:Dempsey M-S (1940-1954) 1955
FJ23 Shilluk FJ23

more severe than usual. The government set up a grain distribution centre at Pabiu, since it was the chief village of the district. Pabiu waxed fat and rejoiced; Detwok snarled in anger and groaned with hunger and metaphorically tightened its belt and longed for the day when it would triumph over its arrogant rival.

Two years later, in September 1945, things boiled up again, and I thought that bloodshed on a large scale was unavoidable. A dance was being held at Pabiu and, since for a long time peace had reigned between the two villages, the people from Detwok attended. I usually permitted the schoolboys to go to these harmless afternoon dances, and was horrified when they came streaming back an hour before the usual time, crying that fighting had broken out and that men had been killed. There were boys from both Detwok and Pabiu attending the school and these, fearing that the mission would be raided during the night by one side or the other, refused to stay there and fled to the sanctuary of their homes and the protection of the spears of their fathers and brothers. Fortunately, things were not as bad as they appeared at first. People from all the surrounding villages attend these frequent dances, and among those enjoying themselves on this happy afternoon were the people from Alel, a large village three miles south of Detwok. During the dance a man from Detwok came face to face with one from Alel who, it seemed, had in company with his friends waylaid the Detwokian some time previously and beaten him up. Excited by the dancing, the Detwok warrior, suddenly confronted by his enemy, could not restrain himself. His spear flashed and the other man fell wounded. Immediately there was uproar. Alel was by way of being allied to Pabiu, and the two villages promptly joined forces against Detwok. A scrimmage ensued during which blows were struck and a few spear wounds were inflicted, but only one man—from Detwok—was seriously wounded. In the face of superior numbers Detwok had to withdraw, followed by the taunts of the victors, but swearing revenge. Two days of tension followed during which the Sisters were kept busy

29:Dempsey M-S (1940-1954) 1955
FJ23 Shilluk FJ23

tending the hurts of the wounded. It seemed that the affair had ended; the boys began to creep back to school and we breathed freely again. The next morning, however, there was a fresh alarm. One of our Christians ran breathlessly into the mission and begged me to send at once to Kodok for assistance and to go myself to Pabiu to stop what might develop into a battle royal. It appeared that Alel was to hold a dance that afternoon and Pabiu was going to attend in force. To do so they must necessarily pass Detwok, and the braves of that village swore that they would do so only over their dead bodies, and that if they attempted it, Detwok would strew the road with their corpses. To this Pabiu joyfully replied that it would enjoy the task of putting Detwok in its proper place, under the earth, once and for all.

I immediately sent a runner to Kodok and after lunch, for if I was going to suffer martyrdom I thought there was no sense in doing so on an empty tummy, I went forth to try and keep the Pax Britannica till what time others, more competent, could arrive to enforce it. I went first to Pabiu, and found the warriors happily preparing for the dance. Faces were being carefully painted, bodies oiled and smothered in red dust, dancing skins being donned and all the paraphernalia so dear to the Shilluk heart and so essential to the Shilluk dance ready at hand; bells, shells, bracelets, beads, strips of gaudy cloth—anything indeed that could provide a riot of sound and colour; but I saw too that spears were being carefully sharpened and polished, and the large war shields not usually carried on the occasion of an ordinary dance had been brought out.

I approached the groups and received and returned the usual greetings. I asked them if there was a dance on and they replied that they were going to a dance at Alel. I pointed out that it would be more prudent if they stopped at home and that it was asking for trouble if they encroached on Detwok's territory. To this they replied that they were going to dance and that if Detwok wanted to start anything, that was Detwok's affair and not theirs. Then I went to the chief, and told him that I had sent to Kodok for police and that

29:Dempsey M-S (1940-1954) 1955
F323 Shilluk F323

he had better restrain his young men before something happened that they would all be sorry for. He said that he could not prevent them from going to a dance, that they did not intend to molest anybody, but that they had a right to defend themselves if anyone attacked them. For an hour I argued, pleaded, cajoled and threatened, but without success. Then to my relief the chief proposed a solution that might satisfy everybody. He could not prevent his underlings from going to the dance, he said, but if there was no dance there would be no point in going. Could I stop Abil from holding the dance? I agreed to try and was about to depart when a messenger arrived from Abil to say that the dance was off. It appeared that my runner to Kodok had called at Abil on his way and had told the villagers where he was going and why. They, prudently wishing not to become involved in the Detwok-Fabiu dispute more deeply than they were already, called the affair off. The day was saved and we all breathed freely once more.

For the past several years there has been no incident of note between the two villages, but one never knows when an act of 'justice' or 'injustice' on one side or the other will cause a new flare up.

Poor Detwok! Poor Fabiu! Poor old Shilluk. He only wants to be left alone to mete out his own type of 'justice', as his forefathers did before the interfering foreigners came into his country. But he knows that should he raise his stick to bring it down with a satisfying thud on his enemy's head or plunge his spear into his body, a wrathful District Commissioner will swoop down on him and, figuratively speaking, will take him by the shoulders and shake him until his teeth rattle.

29:Dempsey M-S (1940-1954) 1955
FJ23 Shilluk FJ23

person is a woman or a girl, a skirt is substituted for the skin, and for the girl some strings of yellow beads are added. If the family can afford it, it will buy a couple of yards of white cotton cloth to serve as a winding sheet and a cow skin is bound round this. The grave of a commoner is not dug in the hut itself but outside, near the compound. It is put near the surrounding reed fence, in a place where passers-by will not walk over it. As for a chief, the grave is excavated to a depth of about six feet but it is not nearly so wide, since the body is not buried lying on a bier, but is placed on the bare earth. The niche or alcove is cut out of the side, however, and a hen is placed under the head. During the funeral the mourners wail in the customary manner, and this is the signal for the warriors, who hitherto have been out of sight in the cattle byre, to charge forward, armed as usual with spears and shields, to salute their dead comrade. The grave is mudded over on the fourth day with the customary beer drinking and libation over the grave, and the relatives abstain for a while from dancing and the use of personal adornments.

The mourning is not really completed, however, until the deceased person has been commemorated at a funeral dance. This is a strict obligation upon the relatives, even though it may be a year or more before it is fulfilled. Since the commoner is not sufficiently important or wealthy to be given a dance all to himself, funeral dances are held periodically in the principal villages. The district turns up in force for these communal 'All Souls' days, for besides the attraction of the dance—and any Shilluk will cheerfully walk miles just for the pleasure of a dance—there is also the extra treat of a share in the meat when the affair is over. Everybody who is commemorating his dead must give an offering, a bull if the deceased is a man or a woman, a sheep if a child. The dance follows the pattern of the more important funeral dances: There is no tomb, however, so the drums mounted in forked sticks are made the focus of attention. The warriors, armed with spear and shield, make the customary encirclement of the village and then advance to the drums, chanting their